

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

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|---------------------------|---|-------------------------------------|
| MICHAEL D. BLACKWELL, |) | |
| |) | |
| Petitioner, |) | Case No. 4:10-cr-00012 |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| UNITED STATES OF AMERICA, |) | By: Hon. Jackson L. Kiser |
| |) | Senior United States District Judge |
| Respondent. |) | |

This matter is before the Court on the United States' Motion to Dismiss Petitioner's motion for relief pursuant to 28 U.S.C. § 2255 [ECF No. 59], as well as the United States' motion to hold Petitioner's § 2255 Motion partially in abeyance [ECF No. 58]. Petitioner does not object to holding his Motion to Vacate partially in abeyance, so that motion is hereby **GRANTED**. The parties have fully briefed the issues raised in the United States' Motion to Dismiss, so that motion is ripe for consideration. For the reasons set forth in the accompanying Memorandum Opinion, the United States' Motion to Dismiss is hereby **GRANTED IN PART**.¹

The clerk is directed to forward a copy of this Order and accompanying Memorandum Opinion to all counsel of record.

Entered this 6th day of October, 2016.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE

¹ This addresses only Petitioner's arguments regarding use of Virginia burglary and breaking and entering as predicate offenses. Consideration of the motion for relief regarding use of robbery and unlawful wounding are held in abeyance by agreement of the parties.